

REMARKS

In an Office Action dated April 9, 2008, claims 1-17, all of the claims then under consideration in the above-referenced U.S. patent application, were rejected. Claims 1-17 have been canceled and new claims 18-36 have been added. Claims 24 to 36 which are directed to the label are based on original claims 1, 4, and 6 to 17. Method claims 18, 19, and 21 are supported by the disclosure on page 5, lines 6-35 and page 12, lines 23-30. Claim 20 is supported by the disclosure on page 12, lines 4-11. Claim 22 is supported by the disclosure on page 6, line 38 to page 7, line 17. Claim 23 is supported by the disclosure on page 8, lines 7-26. Applicants submit that the new claims are in good condition for allowance.

Claims 12 and 16 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for use of the phrases "in particular" and "preferably". Claims 12 and 16 have been canceled and Applicants submit that none of the new claims use the objected to language.

Claims 1-17 were rejected under 35 U.S.C. §102(b) as being anticipated by Zaborney (U.S. 4,608,323). The Examiner asserts that element 11 of Figure 2b serves as a sealing strip to protect the printing layer of Zaborney. The present invention is a label wherein a plastic film is covered over its entire area by a metallization layer and said metallization layer is covered over its entire area by a covering layer and is subsequently provided with a cutout which limits the marginal edge of the metallization layer to be sealed off within the label. The cutout may extend to the peripheral contour of the label (see Figure 3) or else may be formed by a gap spaced from the peripheral contour (see Figure 6). Zaborney relates to the marginal sealing of a metallic ink decoration produced by a printing technique and confined to a portion within the label contour, the metallic ink decoration is contained between two plastic films and, around its periphery, and is surrounded by an adhesive margin bonding the films together. Zaborney aims to enclose the metallic inks in a protecting layer to prevent degradation resulting from contact with alkaline electrolytes (see Zaborney, column 1, lines 52-56). Since there is no metallization layer in the label of

Zaborney, the problem of corrosion damage in the marginal edge region of a label in an environment with high atmospheric humidity does not arise.

The present invention solves the problem of corrosion damage to the metallization layer by (a) covering a transparent plastic film layer with a metallization layer having flat sides, wherein the entire area of said film layer serves as a substrate of said metallization layer, (b) flatly covering said metallization layer with a covering layer such that said metallization layer is arranged between said film layer and said covering layer, and wherein said metallization layer is completely covered on both of its flat sides, (c) defining a peripheral edge of the label to be produced from said layer composite and producing a strip-shaped cutout extending at least through said metallization layer and along a margin of said peripheral edge, and (d) covering at least said cutout with a sealing strip extending at least over the thickness of said metallization layer with the sealing strip extending into said cutout. Zaborney does not teach or suggest producing a strip-shaped cutout that extends at least through the metallization layer and along a margin of said peripheral edge of the label or a sealing strip extending into said strip-shaped cutout. Thus, for at least the reasons mentioned above, the method of producing a label as recited in claims 18-23 is distinguished from Zaborney and is believed to be allowable.

With regard to claims 24 to 36 relating to the label, Zaborney does not teach or suggest a gap as recited in independent claim 24. Furthermore, Zaborney does not teach or suggest a sealing strip which reaches over both marginal edges of the film layers as recited in independent claim 31. Thus, Zaborney does not teach or suggest each element of the presently claimed invention.

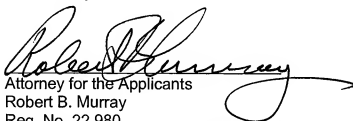
In view of the above, all objections and rejections have been sufficiently addressed. The Applicants submit that the application is now in condition for allowance and request that claims 18-36 be allowed and this application passed to issue.

In the event that this paper is not timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account No. 02-2135.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the Applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

Respectfully submitted,

July 9, 2008
Date


Attorney for the Applicants
Robert B. Murray
Reg. No. 22,980
ROTHWELL, FIGG, ERNST & MANBECK
1425 K Street, N.W.
Suite 800
Washington, D.C. 20005
(202) 783-6040